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10 Attorneys for Defendant KNIX WEAR INC.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
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15 GEMMA RIVERA and MARISA
16 FRANZ, on behalf of themselves and all
others similarly situated,

17 Plaintiffs,

18 v.

19 KNIX WEAR INC.,

20 Defendant.
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Case No. 5:22-cv-02137-EJD

Hon. Edward J. Davila

**[PROPOSED] ORDER
GRANTING DEFENDANT KNIX
WEAR INC.'S MOTION FOR
SANCTIONS UNDER RULE 11**

Hearing Date: November 10, 2022

Time: 9:00 am

Courtroom: 4—5th Floor

ORDER

Defendant Knix Wear Inc. moved for an order of Sanctions against Plaintiffs' Counsel, Sean L. Litteral and Rachel L. Miller. The Court, having considered the briefs and other documents in support of and in opposition to Defendant's Motion and being fully advised in this matter finds as follows:

Plaintiffs' counsel failed to satisfy their obligations under Rule 11 of the Federal Rules of Civil Procedure because they did not make a reasonable and competent inquiry prior to filing this action and Plaintiff's First Amended Complaint to determine whether key allegations contained therein had evidentiary support.

IT IS HEREBY ORDERED THAT Defendant's Motion for Sanctions is **GRANTED**.

IT IS FURTHER ORDERED THAT the allegations made in Plaintiffs' First Amended Complaint that Defendant's products contain fluorine, PFAS or fluorine indicative of PFAS, or suggesting that Defendant's customers are at a heightened risk of exposure to PFAS or that Defendant's products are otherwise unsafe or not sustainable, including Paragraphs 1, 4, 5, 6, 8, 9, 10, 11, 28, 31, 32, 33, 45, 46, 51, 65, 66, 67, 68, 69, 70, 71, 72, 75, 78, 79, 80, 81, 83, 84, 85, 87, 88, 118, 119, 121, 122, 131, 136, 139, 141, 142, 149, 150, 160, 169, 186, 195, 205, 206, 211, 220, 229, 235, 236, 238, 239, 240, 241 and 242, and all paragraphs, unnumbered headers or other text containing those or similar allegations, are **STRICKEN**.

IT IS FURTHER ORDERED THAT Defendant shall be awarded costs and attorneys' fees sufficient to reimburse it for its reasonable costs of defending this matter, including costs and attorneys' fees incurred in connection with Defendant's Motion for Sanctions and Defendant's Motion to Dismiss the First Amended Complaint. Defendant shall file a request for costs and attorneys' fees consistent with this Order within seven (7) days.

IT IS SO ORDERED.

Dated: _____

By: _____
Hon. Edward J. Davila
United States District Court Judge